



U.S. Department of Transportation  
**Federal Highway Administration**

# **Stewardship and Oversight Agreement**

**Federal Highway Administration – North Carolina**

**and**

**The North Carolina Department of Transportation**

**August 2009**

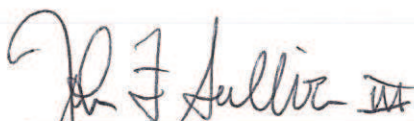

## Joint Signature Page

The purpose of the Stewardship and Oversight Agreement (Agreement) is to formalize how the Federal-Aid Highway Program (FHP) will be administered in the State of North Carolina in accordance with Section 106 for Title 23 – United States Code. This agreement replaces the October 29, 1998 Stewardship and Oversight Agreement, including the June 22, 2001 update.

The intent of this Agreement is to delegate Federal Highway Administration's (FHWA) approval authority to North Carolina Department of Transportation (NCDOT) for certain preliminary engineering, construction contract administration, right-of-way, and utility activities on or related to Federal-aid projects. NCDOT will assume certain FHWA Title 23 oversight roles and approval responsibilities for delegated projects. This includes responsibility for ensuring that staff has appropriate training and knowledge to make sure that programs and projects are developed in conformance with Federal requirements.

The FHWA and the NCDOT have jointly administered the FHP for many years. These parties have been tasked with carrying out the FHP efficiently and effectively to help accomplish national and mutual or local goals—to maintain a national highway network, improve its operation and safety, and provide for national security while protecting the environment. Stewardship efforts include oversight and approval actions, as well as many day-to-day actions that are routinely performed by either or both of the parties to ensure that the FHP is administered in regulatory compliance and in ways that enhance the value of the program funds authorized by Congress.

Notwithstanding any provision of this Agreement, FHWA retains overall responsibility for all aspects of the FHP in North Carolina. This Agreement does not preclude FHWA access to and review of any Federal-Aid project at any time and does not replace the provision of Title 23 U.S.C.

	
John F. Sullivan, III	Eugene A. Conti, Jr.
FHWA Division Administrator	NC Secretary of Transportation
8/31/09	8/31/09
Date	Date

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## **Purpose**

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The intent of this Agreement is to delegate the Federal Highway Administration's (FHWA) approval authority to the North Carolina Department of Transportation (NCDOT) for certain preliminary engineering, construction contract administration and right-of-way activities on or related to Federal-aid projects. NCDOT will assume certain FHWA Title 23 oversight roles and approval responsibilities for delegated projects. This includes responsibility for ensuring that staff has appropriate training and knowledge to make sure that programs and projects are developed in conformance with Federal requirements.

FHWA retains overall program oversight responsibility for all aspects of the FHP in North Carolina.

## **Background and Introduction**

Congress has charged the FHWA with administering the Federal-Aid Highway Program (FHP) under *Title 23 United States Code (USC)*, and other associated laws. In addition, FHWA's responsibility for administering the FHP has been clearly outlined in the following legislation: the *Intermodal Surface Transportation Efficiency Act (ISTEA)* of 1991; the *Transportation Equity Act for the 21st Century (TEA-21)* of 1998; and, the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)* of 2005. These laws allow States to assume responsibilities for the FHWA in certain *National Environmental Policy Act* approvals associated in the environmental analysis, design, contract award, construction inspection, and administration of the FHP.

The FHWA and the NCDOT have jointly administered the FHP for many years. These parties have been tasked with carrying out the FHP efficiently and effectively to help accomplish national, state, and local goals: maintain a national highway network, improve its operation and safety, and provide for national security while protecting the environment. Stewardship efforts include oversight and approval actions, as well as many day-to-day actions that are routinely performed by either or both of the parties to ensure that the FHP is administered in regulatory compliance and in ways that enhance the value of the program funds authorized by Congress.

## **Terminology**

**Delegated Authority Projects** – Projects that NCDOT assumes FHWA's authority for review and approve actions pertaining to design, plans, specifications, estimates, right-of-way certification statements, contract awards, inspections, and final acceptance of Federal-aid projects on a project by project basis.

**Full Oversight Projects** – Projects that require FHWA to review and approval actions pertaining to design, plans, specifications, estimates, right-of-way certification statements, contract awards, inspections, and final acceptance of Federal-aid projects on



a project by project basis.

**Oversight** – The act of ensuring that the FHP is delivered consistent with federal and state laws, regulations, standards, and policies. Oversight is the compliance or verification component of FHWA’s stewardship activities.

**Risk Management** – The systematic identification, assessment, planning, and management of threats and opportunities faced by FHP projects and programs.

**Stewardship** – The efficient and effective management of the public funds that have been entrusted to the FHWA to deliver the FHP as well as those public funds entrusted to the NCDOT for a safe and efficient transportation system.

### **Program and Project Responsibilities**

The FHWA and NCDOT will review, monitor and approve activities in the designated areas of responsibility to verify compliance with applicable laws, regulations, standards, and policies as defined below and as detailed in the North Carolina Program Responsibility Matrix (Appendix B) and the North Carolina Project Responsibility Matrix (Appendix C).

#### **Roles and Responsibilities for Full Oversight Projects**

On projects where FHWA retains approval authority, the NCDOT will develop projects in accordance with State and Federal requirements. The FHWA will retain approval authority and will ensure compliance with Federal laws and regulations such as but not limited to the National Environmental Policy Act (NEPA), Section 4(f) of the Department of Transportation Act of 1966, the Clean Air Act, the Clean Water Act, Davis Bacon Act, Title VI of the Civil Rights Act, Disadvantaged Business Enterprises, and the Uniform Relocation Assistance and Acquisition Policies Act. In addition, FHWA shall assure that right-of-way approvals; utility approvals; environmental approvals; railroad approvals; design approvals; design exceptions; PS&E approval; concurrence in award; and construction-related activities are performed in accordance with State policies, practices and standards, and in accordance with all Federal-aid requirements.

#### **Roles and Responsibilities for Delegated Authority Projects**

On projects where FHWA’s approval authority has been delegated to NCDOT, the following are the responsibilities assumed by NCDOT:

- The NCDOT assumes approval authority and will ensure compliance Federal laws and regulations such as but not limited to the National Environmental Policy Act (NEPA), Section 4(f) of the Department of Transportation Act of 1966, the Clean Air Act, the Clean Water Act, Davis Bacon Act, Title VI of the *Civil Rights Act*, Disadvantaged Business Enterprises, and the Uniform Relocation Assistance and Acquisition Policies Act.
- The NCDOT shall perform oversight activities to assure that right-of-way approvals; utility approvals; environmental approvals; railroad approvals; design approvals; design exceptions; PS&E approval; concurrence in award; and construction-related

activities are performed in accordance with State policies, practices and standards, and in accordance with all FHP requirements.

- For delegated projects or programs that are developed and administered by local agencies, the NCDOT shall provide the necessary oversight to assure compliance with Federal-aid requirements. The NCDOT will be responsible for determining that sub-recipients of Federal funds have adequate staffing, project delivery systems, and sufficient accounting control. Ultimately, the NCDOT is accountable to the FHWA for ensuring compliance with Federal-aid requirements on such projects.

**On projects where the FHWA's approval authority has been delegated to the NCDOT, the FHWA retains the authority for the following actions and approvals:**

- All Federal responsibilities for planning and programming oversight specified in 23 USC 134 and 135.
- Federal air quality conformity determinations required by the *Clean Air Act*.
- Project authorization and obligation of funds.
- Waivers to Buy America requirements (FHWA Washington Headquarters (HQ)) approval required as noted in Mr. Horne's March 13, 2008 memorandum.
- SEP-14/SEP-15 methods (FHWA HQ approval required for experimental contracting/project delivery methods).
- Civil Rights program approvals.
- National Environmental Policy Act (NEPA) approvals.
- Addition or modification of access points on the Interstate System.
- Use of Interstate airspace for non-highway-related purposes.
- R/W approval actions as identified in the R/W manual.
- Hardship acquisition and protective buying.
- Non-competitive bidding approvals (23 CFR 172.5(a)(3)).
- Modifications to project agreements.
- Final project vouchers.

**Projects Requiring a Financial Plan**

In accordance with 23 USC 106(i), the North Carolina Department of Transportation will be required to prepare an annual financial plan on project segments receiving federal financial assistance with estimated total cost over \$100 million (see guidance at <http://www.fhwa.dot.gov/programadmin/mega/guidance.cfm>). For those project segments with estimated total costs between \$100 million and up to \$500 million, the FHWA will not approve these financial plans, but they will be subject to review. As part of its ongoing stewardship and oversight responsibilities, the FHWA will need to assure that financial plans were completed in accordance with Title 23 requirements for content and timeliness. For those project segments over \$500 million, the NCDOT will submit the financial plan to the FHWA Division Office for review and approval. Prior to the Divisions approval, the FHWA HQ-Major Projects Engineer will be given an opportunity to review and comment on the document.

### Major Projects

In accordance with Section 1904 of SAFETEA-LU, all project segments with estimated total costs greater than \$500 million are required to have a project management plan. The NCDOT will submit the project management plan to the FHWA Division Office for review and approval. Prior to the Division's approval, the FHWA HQ-Major Projects Team will be given an opportunity to review and comment on the document.

### Other Public Agencies (If Applicable)

NCDOT is responsible for overseeing all locally administered Federal-aid projects, and will assure local public agency knowledge and compliance with State and Federal requirements.

### FHP Project Oversight Responsibilities Chart

Project/Work Type	FHWA	NCDOT Delegated Authority
NHS - Interstate Design -Adding lanes -Adding or modifying an interchange -Projects to be added to the interstate system -Major or unusual structures utilizing innovative design standards, material, or construction methods as defined in FHWA Order 5520.1.	Full oversight through concurrence in award.	N/A
NHS – Interstate Construction		Assumed Oversight Authority
NHS – Non-Interstate Design -Adding lanes -Adding or modifying an Interchange -Projects to be added to the NHS system -Major or unusual structures utilizing innovative design standards, material, or construction methods as defined in FHWA Order 5520.1.	Full oversight up to the approval of the final planning document.	Assumed Oversight Authority from the final planning document to PS&E.
NHS – Non-Interstate Construction		Assumed Oversight Authority
NHS Intelligent Transportation System projects > \$1 million dollars.	Full oversight up to the right of way (when applicable) or construction authorization.	Assumed Oversight Authority after authorization of right of way (when applicable) or construction authorization.

Interstate – 3R (Resurfacing, Restoration and Rehabilitation) and Preservation Projects which meet AASHTO Design Criteria and do not add capacity as defined per NCDOT process.	Oversight level in accordance with NCDOT process.	Oversight level in accordance with NCDOT process.
Non- NHS		Assumed Oversight Authority
Locally Administered Projects		Assumed Oversight Authority
Appalachian Development Highway System Corridors Completion Project	Full Oversight	
Projects > \$100 Million	Determined on case by case basis – contact FHWA Transportation Engineer	
Projects > \$500 Million (Major Projects)	Full Oversight	

### **Overview of Responsibilities by Program Area**

The following describes the expectations of both NCDOT and FHWA in delivering the main elements of the Federal-aid highway program, based on regulations and national policies.

#### ***A. Bridges and Structures***

Structures shall be designed and constructed in accordance to NCDOT’s Structure Design Unit Design Manual; Bridge Policy Manual; Policy Memos; Structure Standards; and Guidance for Drainage Studies and Hydraulic Design. Changes in standards, policies, and procedures or process that affect structure projects on the NHS will be submitted to FHWA for approval.

Project activities related to design, construction, operation, and maintenance of structures will follow the general provisions of this agreement with the exception that major and unusual structures on the NHS as defined in FHWA Order 5520.1 will always be subject to full FHWA Oversight due to their high cost or complexity. Examples of unusual bridges include segmental concrete, FRP, Ultra High Performance Concrete, concrete spans greater than 160-feet, steel spans greater than 300-feet, movable bridges, or as determined by NCDOT or FHWA.

NCDOT will provide the FHWA Bridge Engineer the following on full oversight projects:

- Preliminary Bridge Survey Reports
- Structural Recommendations
- Final Plans

The FHWA will provide comments on any bridge at their discretion. The NCDOT will provide written responses to any written FHWA comments. Foundation and hydraulic reports will be made available to FHWA.



All Highway Bridge Program (HBP) projects remain subject to special eligibility requirements. Title 23 U.S.C. requirements for the inventory; inspection, and reporting of highway bridges are in no way altered by this agreement.

Eligibility for the HBP program is based on bridge inspection and inventory data submitted annually to the FHWA Office of Bridge Technology by the NCDOT. A "Selection List" of eligible bridges is furnished by FHWA to the NCDOT. The distribution of HBP funds to each State is based on unit cost data for bridges and the area of deficient bridges. The unit cost submission is prepared annually by the NCDOT and reviewed by the FHWA. The FHWA Division Bridge Engineer and the State Bridge Design Engineer are responsible for this program.

The National Bridge Inventory (NBI) program will be monitored on a continuing basis with an annual review of all phases of the program (inspections, bridge ratings and posting, maintenance, etc.) and by random reviews as determined appropriate by the FHWA. The FHWA Bridge Management and NCDOT Bridge Maintenance Engineer will meet on a regular basis to discuss input into all assigned programs.

### ***B. Civil Rights***

The FHWA has oversight for the Disadvantaged Business Enterprise (DBE) Program, the DBE Supportive Services Program, the On-the-Job Training (OJT) program, the OJT Supportive Services Program, the Internal Equal Employment Opportunity (EEO) Program, the EEO Contractor Compliance Program, the Title VI Program (including Environmental Justice and Limited English Proficiency), the Americans with Disabilities Act (ADA) Program, and the Historically Black Colleges and Universities (HBCU)/Minority Institutions of Higher Education (MIHE) Program.

The NCDOT is responsible for developing and maintaining the following program documents: the NCDOT Title VI plan, the DBE Program Plan, the NCDOT Affirmative Action Plan and the NCDOT Equal Employment Opportunity (EEO) Contract Compliance Plan.

The NCDOT will submit the following reports to FHWA: PR-1392, EEO-4, DBE Semi-Annual Awards or Commitments and Payments report, Affirmative Action Plan Update, Title VI Plan Update, EEO Contract Compliance Reports, OJT Training Program and OJT Supportive Services Report, and the HBCU Report. FHWA may also require other ad hoc reports as necessary.

In addition to ensuring that NCDOT submits all required reports, FHWA uses a variety of methods to accomplish its oversight of NCDOT's Civil Rights programs. FHWA conducts annual reviews of the state's Internal EEO program as well as the external EEO Contractor Compliance program. FHWA also performs periodic program and process reviews when warranted. FHWA may conduct site visits to Federal-aid projects to ensure that minorities, women, trainees/apprentices, and DBEs are being treated in a non-discriminatory manner, and that they are being provided equal opportunity and affirmative action in accordance with Federal laws and regulations.

### ***C. Construction***

The NCDOT has responsibility for the construction of all Federal-aid projects and for ensuring that such projects receive adequate supervision and inspection and are completed in conformance with approved plans and specifications. The primary objectives of the FHWA construction-monitoring program are:

- To evaluate NCDOT's control of the projects and the quality and progress of work
- To maintain a close working relationship with NCDOT construction staff
- To promote quality improvements
- To promote work zone safety
- To assure that projects are completed in reasonably close conformance with the approved plans and specifications and approved changes
- To ensure incorporation of environmental commitments
- FHWA will use the following types of inspections to obtain these objectives:
  - Process Review/Product Evaluation (PR/PE) – comprehensive review of NCDOT's procedures and controls. The purpose of a PR/PE is to provide oversight of NCDOT construction and materials management activities and to determine compliance with Federal-aid requirements on a statewide or Region wide basis.
  - Inspection-in-Depth – a thorough on-site review to evaluate a specific contract item, combination of items, or major phase of a project. Inspections-in-depth may be accomplished on an individual project basis or on several projects with the findings summarized as a region wide or statewide review.
  - Project Inspection – an on-site review to evaluate NCDOT's activities, the quality and progress of the work, incorporation of environmental commitments, and if appropriate, to follow up on findings from previous inspections.
  - Operational Review – The intent of these inspections is to observe a recently completed project with a multi-disciplinary team to identify opportunities for improvement that may be incorporated in future projects. These reviews also provide the opportunity to identify items that worked very well in addition to noting deficiencies.

The FHWA NC Division's method and level of construction oversight will be determined annually during the FHWA/NCDOT Work Plan development meeting.

### ***D. Design***

NCDOT is responsible for conducting or contracting design work associated with NCDOT sponsored projects. In addition, the NCDOT is responsible for ensuring that all projects are designed in accordance with the applicable design standards pertaining to that project, including local public agency (LPA) projects. The NCDOT is responsible for ensuring that consultants are selected to conduct design work on NCDOT and LPA projects based on qualifications-based principles contained in 23 CFR 172.

The FHWA Transportation Engineers are responsible for design monitoring, review, and approvals for FHWA Full Oversight projects. Project reviews will take many forms

including meetings with NCDOT design staff and consultants (where applicable) to identify standards, discuss issues, review draft or completed portions of plans, and through field reviews (preliminary and final field reviews). NCDOT Engineers are responsible for design monitoring, review, and approvals for NCDOT Oversight projects, including those conducted by LPAs. FHWA and NCDOT will cooperate in reviewing a sufficient number of NCDOT Oversight projects through the Stewardship Review process to ensure that all federal requirements are being complied with. In addition, the FHWA and the NCDOT will develop and implement an acceptable oversight and monitoring approach for LPA project design work.

NCDOT shall develop and submit for consideration all new or revised access justifications and design exception requests on the Interstate regardless of the funding source. The FHWA will review such requests and respond to the NCDOT in a timely manner.

Included in design is the requirement for compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. The NCDOT and the FHWA will ensure that all new construction projects that provide pedestrian facilities incorporate accessible pedestrian features to the extent technically feasible, without regard to cost. In addition, NCDOT will comply with the ADA and Section 504 by updating the transition plan addressing the needs of persons with disabilities and then schedule the required pedestrian accessibility upgrades on State owned transportation facilities.

#### ***E. Environment***

FHWA has a direct oversight role in assessing the impacts of actions affecting the environment in accordance with the National Environmental Policy Act (NEPA). FHWA and NCDOT will work to ensure that all environmental factors are given full consideration along with engineering, social, and economic factors in program and project decision-making and are documented in the appropriate environmental documents that pertain to the projects under consideration. Under environmental stewardship, NCDOT is responsible for the environmental analyses for all federally funded transportation projects in State of North Carolina, including LPA projects. Through direct involvement or through project or program reviews, FHWA assures that appropriate evaluations are conducted, approval actions are timely, and public involvement is a major element of NCDOT's environmental activities.

FHWA retains formal approval of all environmental documents. The FHWA North Carolina Division Administrator retains approval authority of each Record of Decision (ROD), Draft Environmental Impact Statement (EIS), Final EIS, and Supplemental EIS, Environmental Assessments/Finding of No Significant Impacts (EAs/FONSI), Reevaluations, Consultations, Section 4(f) Evaluations, Programmatic 4(f) Evaluations, and Categorical Exclusions (CEs). The FHWA North Carolina Division Administrator has delegated approval authority for the aforementioned documents to the FHWA Preconstruction and Environment Staff for review and approval. Certain CE activities have been pre-approved by FHWA, and NCDOT is responsible for confirming the class of action.

## ***F. Finance***

NCDOT is responsible for funds management and accountability for all federal-aid highway dollars that are apportioned and obligated in the State of North Carolina. This includes maintaining financial systems, policies and procedures that provide for the accountability of these funds.

The FHWA Financial Integrity Review and Evaluation (FIRE) program, FHWA Order 4560.1B, requires the Division to complete the following tasks each year to provide adequate documentation and support of its stewardship activities, as well as to provide the basis for its annual certification. These tasks include:

- A Grants Financial Management Process Review
- An Improper Payments Transaction Review;
- A Review of Inactive Projects with no activity of one year and unexpended balances of \$500,000 or more, Inactive Projects with no activity of two years and unexpended balances of \$50,000 or more, and Inactive Projects with no activity of three years and any unexpended balances;
- An Administrative Review;
- Resolution of any Single Audit findings; and
- Any Follow-up Audit Findings made by the Office of Inspector General.

NCDOT is responsible for providing documentation at the field and central office levels for completing these reviews. In addition, NCDOT staff is responsible for ensuring that completed federally funded projects are closed out in a manner not to exceed the Inactive Project timeframes and that unexpended funds are deobligated and made available for other projects.

## ***G. Intelligent Transportation Systems/Operations***

FHWA and NCDOT are responsible for assuring that all ITS systems comply with the appropriate Regional ITS architecture, that appropriate Systems Engineering Analyses are conducted and that there is sufficient oversight of ITS Integration Projects (earmarks). NCDOT will involve FHWA in ITS projects that foster regional integration of ITS components such as a regional traffic management center or a major corridor project.

- a) ITS Regional Architecture – NCDOT will ensure that all projects that contain ITS elements meet Title 23 requirements for conformity with the National or applicable Regional ITS Architecture and use of approved ITS standards. FHWA will evaluate compliance with applicable standards for NCDOT Oversight projects through a risk-based stewardship review program.
- b) Systems Engineering Analysis – NCDOT is responsible for ensuring that all ITS projects are based on a systems engineering analysis prior to receiving authorization to proceed to advertisement for construction. NCDOT and FHWA agree to ensure that systems engineering analyses are incorporated into project development procedures and that NCDOT is committed to the operations, management and maintenance of the overall system.
- c) ITS Integration Projects (earmarks) – FHWA will provide oversight of these projects



as the level of cost, risk, and complexity dictates.

### ***H. Pavement/Materials***

The FHWA and the NCDOT place a high priority on improving the mobility of North Carolina travelers through the advancement of pavement and materials technology. To accomplish this, the core elements of the program include the performance and durability, safety, and cost-effectiveness of pavements.

The FHWA's oversight is accomplished by active participation in Division Office Stewardship Reviews, Process Reviews, and various partnering activities with the NCDOT. The FHWA and the NCDOT strive to maintain good working relationships with Industry representatives that include the Aggregates, Hot Mix Asphalt, and Portland Cement Concrete Associations.

Iron and steel materials and products that are to be acquired using federal funds by the NCDOT or a LPA, contractors or subcontractors, that are of foreign origin under conditions of 23 CFR 635.410 shall have a request submitted to the FHWA Division Office for approval under a waiver of the "Buy America" provisions of federal law. It is noted that such waivers are rare and the NCDOT and LPAs should make every effort to acquire materials in accordance with these provisions.

### ***I. Planning and Programming***

Planning and programming is the initiation stage of the project selection, prioritization, programming, and development processes. FHWA provides technical expertise and assistance through participation in committees and teams set up by the NCDOT and MPOs. Planning and programming is broken down into two distinct elements, Statewide and Metropolitan planning, both leading to the establishment of project scope, budget and schedule.

- Statewide Planning and Programming is the responsibility of NCDOT and includes, but is not limited to the following: the NCDOT Statewide Transportation Plan (STP), North Carolina Statewide Transportation Improvement Program (NCSTIP), Roadway Inventory (ARID/LRS database), Mapping Program, Functional Classification, Urban Area Boundaries, National Highway System, the Traffic Monitoring Program, Highway Statistics Program, and the Highway Performance Monitoring System (HPMS) Program. The first four years of the NCSTIP shall be recognized as the federal Statewide Transportation Improvement Program (STIP). The FHWA issues eligibility findings for the CMAQ and Transportation Enhancement programs and coordinate/assist discretionary programs such as Scenic Byways, Recreational Trails, etc. The FHWA-NC Division takes the lead in conducting Motor Fuel Tax and Heavy Vehicle Use Tax (HVUT) reviews, but it is NCDOT's responsibility to ensure that reported figures are reasonable and reconciled with the North Carolina Department of Revenue. The FHWA shall review and approve the Statewide SPR Work Program.
- Metropolitan Planning and Programming is the responsibility of the MPOs that are supported and monitored by NCDOT and the FHWA-NC Division. To ensure that a cooperative process occurs at the MPO level, NCDOT will establish a presence at



MPO Policy Board and Technical Committee meetings. Transportation Management Areas (TMAs, areas over 200,000 population) are monitored through joint FHWA/Federal Transit Administration (FTA) Certification Reviews conducted every four years. Similar on-site Planning Reviews are also accomplished for non-TMA MPOs and will be conducted jointly by FHWA and NCDOT on an as needed basis. The NCDOT will work with the FHWA for review/approval of the MPO Unified Planning Work Programs (UPWPs) to assure outstanding planning issues are addressed and key deadlines are met.

In addition, FHWA is responsible for initiating formal air quality conformity consultation and issuing conformity findings/determinations on MPO Transportation Plans and Transportation Improvement Programs (TIPs) in non-attainment or maintenance areas consistent with the requirements of the Environmental Protection Agency (EPA)/DOT regulations. Project level conformity is demonstrated by NCDOT within the context of NEPA documents. Amendments to Long Range Transportation Plans (LRTP) and TIPs that affect regional transportation emissions require new conformity determinations and findings to be made by the MPO and the FHWA respectively. NCDOT will ensure that a conformity-finding letter is obtained from FHWA before TIPs/projects can be approved or amended into the North Carolina Statewide Transportation Improvement Program.

FHWA and NCDOT will ensure that the North Carolina Statewide Transportation Plan meets all Federal Planning Regulations. In addition, the STIP and MPO's LRTP and TIPs must include a financial plan using the appropriate financial projections. All updates and amendments to the STIP are subject to FHWA approval.

#### ***J. Research, Development and Technology Transfer (RD&T) Program***

The purpose of the program is to implement the provisions of 23 U.S.C. Chapter 5 for research, development, and technology transfer programs, and studies undertaken with FHWA planning and research funds. The primary requirements of the program as provided in section 420 of 23 CFR include development & maintenance of an FHWA approved program manual, development of annual work program, oversight of program activities, submission of performance and expenditures reports, conducting peer reviews, and maintenance of program certification. The FHWA NC Division currently has full oversight responsibility of the RD & T program. This oversight is both administrative and technical. Such oversight responsibility requirements are typically fulfilled by Division staff by proactively participating in the development of the annual program, thoroughly reviewing the annual program prior to its approval, thoroughly reviewing individual proposals prior to approval, and thoroughly reviewing the annual report. Division diligently participates in ongoing program activities such as NCDOT Research Advisory Board meetings, Local Technical Assistance Program (LTAP) Advisory Board meetings, routine technical and policy meetings, peer review meetings, and technology transfer events, etc. The NCDOT fully exercises its flexibility in the use of funds and determination of eligible activities that meet the requirements of Section 420 of the CFR.

#### ***K. Right-of-Way (ROW)***

The administration of the ROW function is primarily the responsibility of NCDOT through the NCDOT Right-of-Way Branch. This includes all aspects of the land acquisition process

as follows: Abstracting, Appraising, Acquisition, Buying, Condemnation, Negotiations, Post Acquisition, Property Management, Records, Management and Retention, Residential and Business Relocation, ROW Engineering, and State and Local Contracts. FHWA together with NCDOT ensure that Outdoor Advertising Control requirements are addressed and enforced.

All protective purchasing, hardship acquisition and advance acquisition of ROW shall be coordinated and approved by the FHWA Division Office in advance of executing any purchase agreements using federal funds. All relinquishment and disposal of any ROW that is associated with Interstates and not incorporated into a project shall be coordinated and approved by the FHWA Division Office prior to disposal or sale. Any request to waive enhancement funds on a facility that was federally funded will be coordinated and approved by the FHWA prior to waiving the enhancement fee. Changes in access control or disposal of right of way that are not associated with the interstate are to be reviewed and the approval determined by NCDOT except in those instances where the property will be conveyed at less than Fair Market Value. Conveyance of any Federally funded property right, including access control, at less than fair market value as determined by a qualified, licensed Real Estate Appraiser, shall require the approval of FHWA.

#### ***L. Safety***

Safety is an integral part of the total highway engineering program, requiring consideration during planning, programming, project development, construction, construction operations and maintenance. Therefore, the general requirements for highway engineering safety are embedded into this agreement as part of other NCDOT and FHWA Oversight requirements. Highway safety is also a comprehensive activity because it must be addressed through coordination and communication efforts with all disciplines that are responsible for highway engineering, vehicle and driver/occupant safety.

Highway Safety Improvement Program (HSIP) – NCDOT will manage, enhance, and evaluate the overall HSIP in accordance with 23 CFR, Section 924, with quality improvement reviews by the FHWA Division on a three year cycle, or otherwise needed.

Reports - NCDOT will annually submit required reports on the progress made and on the effectiveness of the highway safety program. These reports are comprised of the HSIP report (which includes the High Risk Rural Roads report), the highway-railway crossing report, and the 5% report. All of these reports are to be submitted on or before August 31<sup>st</sup> of each year.

Strategic Highway Safety Plan (SHSP) – NCDOT has met the requirement to develop an SHSP prior to October 1, 2006. NCDOT and FHWA will lead the implementation of the SHSP and work collaboratively to update and improve the plan on a bi-annual basis, or otherwise needed.

Crash Data Systems and Analysis – NCDOT will and FHWA will actively participate in the North Carolina Traffic Records Coordinating Committee (TRCC) to develop a comprehensive, state-wide data system. The data from this system will be able to be integrated with NCDOT's roadway inventory so that all public roads will be included in the 5% report by 2009. FHWA will work in partnership with the National Highway Traffic

Safety Administration (NHTSA) to ensure that all Federal requirements are met and will adopt a review cycle through the TRCC and by actively participating in the reviews.

Required Safety Programs – NCDOT and FHWA will maintain a written agreement on how safety will be addressed on 3R and preventive maintenance projects in accordance with FHWA requirements. FHWA will review the use of the safety planning factor as part of our HSIP reviews and MPO certification process. FHWA and NCDOT will perform process improvement reviews as needed of other safety program elements as needed, such as Safe Routes to School, High Risk Rural Roads, design standards, MUTCD compliance, work zones, etc.

Focused Safety Programs – As part of the SHSP, safety emphasis areas will be established based on safety data. FHWA and NCDOT will ensure that action plans and strategies are developed and tracked for each emphasis area and where appropriate projects are implemented that will significantly reduce the number of fatal and serious injury highway crashes.

### **Methods of Oversight**

In order to ensure that the Stewardship and Oversight agreement stays current, this agreement references (see Appendices) the appropriate documents (policies, work plans, manuals, memorandums, etc.) will be updated on a periodic basis. On an annual basis, NCDOT and FHWA will meet to identify the focus/trend areas for the upcoming year. This will be accomplished through process reviews and risk assessments. During this meeting, an “Annual Work Plan” will be developed to drive the focus of oversight for the upcoming year.

In addition to this annual meeting, NCDOT and FHWA will monitor the FHP through the following:

- *Program Assessments* - This technique may take many forms including joint risk assessments, self-assessments and program assessments. All of these tools are based on the common concepts of identifying strengths, weaknesses and opportunities and the identification and sharing of “best” practices to continually improve the program.
- *Program Reviews* - These reviews are a thorough analysis of key program components and the processes employed by NCDOT in managing the program. The reviews are conducted to: 1) ensure compliance with Federal requirements (e.g., mandatory reviews); 2) identify opportunities for greater efficiencies and improvements to the program; and/or 3) identify exemplary practices. They can be referred to, or known as, program improvement reviews, program assessments, process reviews, program/product evaluations, or continuous process improvement initiatives.
- *Program Management* - Program management includes the daily stewardship of Federal-aid programs, including project and program oversight and program assistance. Program management ensures Federal program requirements are met while proactively seeking opportunities to add value in the course of routine program approval actions, participating on joint task forces, joint committees and joint quality

improvement teams, and aiding and assisting the State and other transportation stakeholders in answering questions on program issues.

- *Performance Indicators* - Performance indicators/measures are incorporated and used to help assess performance in administering FHP requirements and to help determine whether funds are being effectively utilized to improve the transportation system. The indicators/measures will also serve as a tool in conducting annual risk assessments and may trigger program reviews or program management techniques such as project inspections and/or project document reviews. Indicators/measures will be updated monthly, quarterly, or annually depending on the indicator/measure.

### **Control Documents**

Federal-aid projects and programs will comply with the provisions of Title 23 USC and all appropriate Federal and State laws, regulations, standards and policies. Any revisions or additions to standards, specifications, policies and procedures, manuals affecting the administration of Federally funded projects will be reviewed by FHWA. Design standards for non-NHS projects do not require FHWA approval.

### **Performance Indicators/Standards**

FHWA shall work jointly with NCDOT to develop performance/compliance indicators that periodically gauge the health (effectiveness) of the delegated responsibility and NCDOT performance. The Annual Work Plan development meeting will be a forum to develop, and revise these standards. Emphasis at this meeting should be related to performance and maintenance to assess if NCDOT is meeting performance targets.

### **Implementation**

This agreement supersedes all previously executed Stewardship and Oversight Agreements between the FHWA and NCDOT. This agreement will take effect upon execution and will apply immediately to all new and current Federal-aid projects under design. Federal-aid projects under construction will retain their current oversight classification through construction.

## **Appendix A : Control Documents**

- NCDOT Supplement to the MUTCD
- Annual NCDOT Highway Safety Improvement Program
- North Carolina Strategic Highway Safety Program
- North Carolina Top 5% Most Hazardous Highway Locations
- Design Exceptions Preparation Guidelines
- Right of Way Manual
- Construction Standards Specifications
- Highway Design Branch – Design Manual
- April 29, 1999 FHWA Memorandum: FHWA FHWA/NCDOT Design Oversight Agreement – Request for Authorization Notes and Project Numbering
- March 25, 1999 Memorandum: North Carolina Division Office Design Monitoring Plan
- March 25, 1999 Memorandum: North Carolina Division Office Construction Monitoring Plan
- A Policy on Geometric Design of Highways and Streets (2008)
- A Policy of Design Standards Interstate System - January 2005
- Project Development and Environmental Analysis Procedures Manual
- NCDOT Structural Design Unit Design Manual – March 2000
- Guidelines for Drainage Studies and Hydraulic Design



## **Appendix B: North Carolina Program Responsibilities**

Attach table.

Appendix - B  
North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NCDOT Action	Frequency	Reference Document/ Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
SP	<b>Statewide Planning</b>					
1	20 yr Statewide transportation plan	23 CFR 450.214	R for C	D	As updated	Adopted 9/2004
2	4 yr STIP & amendments	23 CFR 450.216, 220	R & A w/ FTA	D	As requested by State (at least every 4 yrs.)	
3	SPR and PL funded work programs	23 CFR 420	R & A	D, P	Annually by July 1.	
4	SPR/PL program performance/ expenditure reports	23 CFR 420.117 (a)(b)(1) & (c)	R for C and send to HQ	D, P	Annually by Sept. 30	
5	State PL funds formula	23 CFR 420.109(a)	R & A	P	As needed or as revised by State	Lasert approved by NCDOT and FHWA on 9/12/2005.
6	State certification of planning process	23 CFR 450.218 (a)	R for C	D	In conjunction with STIP approval (at least biennially)	
7	Public involvement for State planning process	23 CFR 450.210	R for C	D	As needed or as revised by State	
8	Functional classification of highways/streets	23 CFR 470.105	R & A	P	As needed or as revised by State	FHWA - Highway Functional Classification - Concepts, Criteria and Procedures; Federal Aid Policy Guide. NCDOT guidelines: NCDOT intranet
9	Interstate additions & revisions	23 CFR 470.111, 115(a)	R & Recommend action to HQ	D, P, C	As requested by State	Under development
10	NHS, Strahnet, revisions	23 CFR 470.113, 115(a)	R & Recommend action to HQ	P	As requested by State	
11	NHS revisions	23 CFR 470.113, 115(a)	R & Recommend action to HQ	R,D,P	As requested by State	
12	Public Lands discretionary funds application	HQ memo soliciting applications	R & Recommend action to HQ		Periodic (usually annually, date varies)	
MP	<b>Metropolitan Planning</b>					
1	Unified Planning Work Program for Transportation Management Areas (TMA)	23 CFR 450.308	R & A	P	At least every 4 yrs (Currently this is done annually by June 30)	
2	Unified Planning Work Program for Attainment Areas	23 CFR 450.308	R & A	P	At least every 4 yrs (Currently this is done annually by June 30)	Last approved by
3	Transportation plan for non-attainment metropolitan areas	23 CFR 450.322	R for C	P	Every 4 yrs	

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North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NCDOT Action	Frequency	Reference Document/Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
4	Transportation plan for attainment metropolitan areas	23 CFR 450.322	R for C	P	Every 5 yrs	
5	Transportation Improvement Plan (TIP) and corollary STIP amendments for non-attainment areas	23 CFR 450.324 - 330	R & A	D, P	As requested by State - at least every 4 yrs	
6	TIP and corollary STIP amendments for attainment areas	23 CFR 450.324 - 330	R & A	D, P	As requested by State - at least every 4 yrs	
7	FHWA/FTA TMA planning certification	23 CFR 450.334	R for C		Every 4 yrs	Conducted with FTA. NCDOT is included and participates
8	Metro planning area boundary changes	23 CFR 450.312	R for C	P	As needed/revised by MPO/State	
9	MPO/State certification of MPO planning process	23 CFR 450.334	R for C	P	In conjunction with TIP approval (at least every 4 yrs)	
10	Motor Fuel Tax (MFT) Evasion Project funds request	HQ memo soliciting applications	R & A	D, P	Periodic (as requested by HQ)	
HI	<b>Highway Information</b>					
1	Interstate system traffic volume review	10/24/95 HQ Memo	Conduct		Annually by Sept. 1	
2	HPMS data submission	23 CFR 1.5, 23 CFR 420.105(b), 23 usc 315, 23 USC 502(g)	R for C (State sends direct to HQ w/copy to Div.)	P	Annually by June 15	FHWA HPMS Field Manual; OHPI website
3	HPMS data review	FHWA HPMS Field Manual Guidelines, Sept. 2006	Conduct		Annually by Sept. 1	FHWA HPMS Field Manual; OHPI website
4	Highway statistics reports (various)	FHWA Guide to Reporting Highway Statistics	R for C (State sends direct to HQ w/copy to Div.)	D, P	Annually or per FHWA guide	
5	Highway taxes and fees report	HQ memo of request	R for C and send to HQ	D, P	Periodically (As requested by HQ)	
6	Monthly fuel report (PR 511M)	Chapter 2 of FHWA Guide to Reporting Highway Statistics	R for C (State sends direct to HQ w/copy to Div.)	D, P	Monthly	

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North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NCDOT Action	Frequency	Reference Document/Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
7	Public road mileage certification	23 CFR 460.3(b) & FAPG NS 23 CFR460, 23 usc 402( c )	R for C and send to HQ	P	Annually by June 1	
8	Traffic Monitoring System	23 CFR 500 subpart B	R for C	P	As needed or revised by State	FHWA HPMS Field Manual; OHPI website
9	Heavy Vehicle Use Tax Payment Certification	23 CFR 669.7	R for C and send to HQ	P	Annually by July 1	
10	Heavy Vehicle Use Tax Payment Review	23 CFR 669.21 & FAPG NS 23 CFR 669	Conduct		Every 3 years	
M	<b><u>Mobility/ITS</u></b>					
1	Congestion Management Process	23 CFR 450.320	R for C	Assist TMA's	As needed/revised by MPO/State	
2	Traffic surveillance and control	23 CFR 655.411	R for C		As needed w/PS&E submission (full oversight projects)	
3	Conformity with National ITS Architecture	23 CFR 940	R for C	Developed and is in the process of being updated (3/24/08)	As needed w/PS&E submission (full oversight projects that affect regional integration)	National ITS Architecture: <a href="http://www.iteris.com/itsarch">http://www.iteris.com/itsarch</a> ; ITS Strategic Deployment Plans: <a href="http://www.ncdot.org/about/transgoals/ttranstech">http://www.ncdot.org/about/transgoals/ttranstech</a> ; Guidance for ITS Project Oversight and Stewardship: <a href="http://staffnet.fhwa.dot.gov/newsitems/memoguidance/htm">http://staffnet.fhwa.dot.gov/newsitems/memoguidance/htm</a> ; ITS Project Implementation Guidance: <a href="http://staffnet.fhwa.dot.gov/documents/itsguide.htm">http://staffnet.fhwa.dot.gov/documents/itsguide.htm</a>
4	Vehicle Size & Weight enforcement certification	23 CFR 657.13	R for C	Developed by NCSHP in coordination w/ NCDOT	Annually by Jan 1	website: <a href="http://vsw.fhwa.dot.gov">http://vsw.fhwa.dot.gov</a> ; program overview: <a href="http://ops.fhwa.dot.gov/freight/sw/overview/index.htm">http://ops.fhwa.dot.gov/freight/sw/overview/index.htm</a> ; FAQ: <a href="http://vsw.fhwa.dot.gov/qa/index.jsp">http://vsw.fhwa.dot.gov/qa/index.jsp</a>
5	Vehicle Size & Weight enforcement plan	23 CFR 657.11	R & A	Developed by NCSHP in coordination w/ NCDOT	Annually by July 1, w/approval by Oct 1	website: <a href="http://vsw.fhwa.dot.gov">http://vsw.fhwa.dot.gov</a> ; program overview: <a href="http://ops.fhwa.dot.gov/freight/sw/overview/index.htm">http://ops.fhwa.dot.gov/freight/sw/overview/index.htm</a> ; FAQ: <a href="http://vsw.fhwa.dot.gov/qa/index.jsp">http://vsw.fhwa.dot.gov/qa/index.jsp</a>
6	National Truck Network Modifications	23 CFR 658.11	R & recommend action to HQ	D	As requested by State	Very rare - in last 25 years, less than 10 additions nation wide

Appendix - B  
North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NC DOT Action	Frequency	Reference Document/Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
	7 Federal/State Motor Fuel Tax Compliance Project	TEA-21 Section 111 HQ notice of allocation of funds and amended project agreements form	R & A		Periodically (As requested by HQ)	
AQ	<b>Air Quality</b>					
	1 Transportation plan conformity determination for non-attainment areas	23 CFR 450.322(d) 40 CFR 51 and 93	R & A	A (in rural areas)	Every 4 years or in conjunction with TIPS	
	2 TIP conformity determination for non-attainment	23 CFR 450.330(b) 40 CFR 51 and 93	R & A	D, P	At least every 4 yrs. (usually every 2 yrs)	
	3 CMAQ funds report	10/31/06 HQ CMAQ Interim Program Guidance	R for C and send to HQ	D, P	Annually by Feb 1	
	4 CMAQ funds eligibility determination	10/31/06 HQ CMAQ Interim Program Guidance	R & A	D, P	As requested by State	Project by project determination
	5 MPO/state air quality agency agreements	23 CFR 450.310(h)	R for C	D, P	As needed or revised by MPO/State	
E	<b>Environment</b>					
	1 Environmental document determination (CE-I & IIA projects)	23 CFR 771.117, CE documentation requirements	Periodically R for C (State determines and documents)	D	As submitted by State	<a href="http://www.fhwa.dot.gov/ncdiv/docs/doc_c_ce.pdf">http://www.fhwa.dot.gov/ncdiv/docs/doc_c_ce.pdf</a>
	2 Environmental document determination (CE-II B & C projects)	23 CFR 771.117	R & A	D	As submitted by State	<a href="http://www.fhwa.dot.gov/ncdiv/docs/doc_c_ce.pdf">http://www.fhwa.dot.gov/ncdiv/docs/doc_c_ce.pdf</a>
	3 Environmental document determination (all other projects)	23 CFR 771.115	R & A	D, P	As submitted by State	
	4 Environmental Assessment	23 CFR 771.119	R & A	D, P	As submitted by State	
	5 Finding of No Significant Impact (FONSI)	23 CFR 771.121	R & A	D, P	As submitted by State	



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North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NCDOT Action	Frequency	Reference Document/Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
6	Draft Environmental Impact Statement (EIS)	23 CFR 771.123	R & A	D, P	As submitted by State	
7	Final EIS	23 CFR 771.125	R & A	D, P	As submitted by State	
8	Record of Decision (ROD)	23 CFR 771.127	R & A	D, P	30 days after publishing final EIS	
9	EIS written re-evaluations	23 CFR 771.129	R & A	D, P	If no action is taken within 3 years after final EIS as submitted by State	
10	Section 4(f) programmatic	23 CFR 771.135	R & A	D, P	As submitted by State	
11	Section 4(f) individual	23 CFR 771.135	R & A	D, P	As submitted by State	
12	Section 106 actions	23 CFR 800	R & A	D, P	As submitted by State	
13	Public involvement and interagency coordination	23 CFR 771.111	R for C	D, P	Project by project	
14	State public involvement program approval	23 CFR 771.111(h), 40CFR 1500-150	R & A	D, P	One time	
15	Certification of hearings	23 CFR 771.111	R for C	D, P	Project by project	
16	NEPA/404 Merger Agreement	NEPA & Clean Water Act Section 404	R & A		As needed or requested by State	
17	Environmental Streamlining MOU	TEA-21 Section 1309	R & A		As needed or requested by State	
18	Noise Policy	06/12/95 HQ memo	R & A	D,P, A	As needed or requested by State	Jointly Approved.
20	Scenic Byways discretionary funds application	HQ memo soliciting applications	R & Recommend action to HQ	D, P	Periodic (usually annually, date varies)	
21	Defense Access Roads	23 CFR 660 Subpart E	R	R	As needed	
CR	<b>Civil Rights</b>					
1	Title VI Plan accomplishments and next year's goals	23 CFR 200.9	R for C	P	Annually by Oct. 1	
2	Title VI Plan update	23 CFR 200.9	R & A	D, P	As needed	

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North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NC DOT Action	Frequency	Reference Document/Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
3	State internal EEO affirmative action plan (Title VII) accomplishments and goals	23 CFR 230.311	R & A	P	Annually by Dec. 12	
4	State internal EEO (Title VII) plan update	23 CFR 230.311	R & A	D, P	Annually by Dec. 12	
5	EEO Contract Compliance review reports (form FHWA 86)	23 CFR 230.409, 230.413	R for C	D, P	As submitted by State	
6	State Employment Practices Report (EEO-4)	23 CFR 311	R for C and send to HQ	D, P	Annually by Dec. 12	
7	DBE Awards & Commitment (form DOT 4630)	49 CFR 26 Subpart C	R for C and send to HQ	D, P	Semiannually on Dec. 1 & June 1	
8	Disadvantaged Business Enterprise (DBE) Program revisions	49 CFR 26.21(b)	R Send to Legal	D, P	As needed or as requested by State	
9	State's DBE program goal methodology	49 CFR 26.41	R & A	D, P	Annually by Aug 1	
10	Supportive services funds requests	23 CFR 230.113	R & A	D, P	As requested by State	
11	Annual Contractor Employment Report (Construction Summary of Employment Data (form PR-1392))	23 CFR 230.121(a)	R for C and send to HQ	D, P	Annually by Oct. 1	
12	OJT goals & accomplishments	23 CFR 230.111(b)	R for C	P	Annually by Jan 30	
13	Report on supportive services (OJT & DBE)	23 CFR 230.111, 113	R for C	D, P	Quarterly	
14	Historically Black College & University (HBCU) Report	Pres. Exec. Order 12876, dated Nov. 1, 1993	Prepare report & submit to HQ	N/A	As requested by HQ	
15	Americans with Disabilities Act complaint investigation	Voluntary agreement with Justice Dept.	Conduct investigation & recommend action to HQ	N/A	As requested by HQ	
16	Environmental Justice	Pres. Exec. Order 12898, Feb. 11, 1994	R for C	N/A	TMA certification Review conducted every four years	
R/W	<b>Right-of Way</b>					
1	State R/W Manual changes	23 CFR 710.201	R & A	D, P	Jan. 1, 2001 & every 3 years thereafter	

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North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NCDOT Action	Frequency	Reference Document/Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
2	Uniform Relocation Assistance and Real Property Acquisition Report - (OMB Form 2125-0030)	49 CFR 24.9(c) and Appendix B	R	D, P	Every 3 years	
3	Requests for waivers	49 CFR 24.204(b)	R & A	D, P	As submitted by State	
4	Local Public Agency Oversight	23 CFR 710.201(h)	Periodically R for C (State takes action)	D, P	As needed	
5	Real Property Acquisition Report (form FHWA 1434)	FHWA Order 6540.1	Prepare & submit to HQ	D, P	Annually by Nov. 28	
6	Use of R/W Air Space authorization request (on Interstate system)	23 CFR 710.405	R & A	D, P	Project by project	
7	Use of R/W Air Space authorization request (off Interstate system)	23 CFR 710.405	Periodically R for C (State takes action)	D, P	As needed	
8	Access Break / R/W Disposal authorization request (if on Interstate system or fair market value not charged)	23 CFR 710.401 & 409	R & A	D, P	Project by project	
9	Access Break / R/W Disposal authorization request (if <u>not</u> on Interstate system and fair market value charged)	23 CFR 710.409	Periodically R for C (State takes action)	D, P	As needed	
10	Functional Replacement	23 CFR 710.509	Periodically R for C (State takes action)	N/A	As needed	
11	Outdoor Advertising policies and procedures revisions	23 CFR 750.304	R & A	D, P	As needed or submitted by State	
12	Outdoor Advertising sign removal projects	23 CFR 750.307	R & A	D, P	Project by project	
13	Outdoor Advertising report (form FHWA 1424)	23 CFR 750.308	R for C and submit to HQ	D, P	As needed	
14	Lead Agency Uniform Act monitoring activities	49 CFR 24.603	R for C	D, P	As needed	
15	Develop R/W oversight agreement	23 CFR 710.201(i)	R & A	D, P	Updated as needed	

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North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NCDOT Action	Frequency	Reference Document/Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
R	<b>Research</b>					
1	Experimental Project work plans	23 CFR 635.411 (a) (3)	R & A	D,P	NHS Project by project	
2	LTAP centers work plan and budget	FHWA LTAP Field Manual; HQ memo allocating funds	R & A	D,P	Annually by March 31	
3	RD&T work program	23 CFR 420.209	R & A	D,P	Annually by June 30	
S	<b>Safety</b>					
1	Highway Safety Improvement Program Process	23 CFR 924.5	R & A	D,P	Updated as needed	FHWA Guidance: 4/4/06
2	Highway Safety Improvement Program Report	23 CFR 924.7	R for C and forward to HQ	D,P	Annually by Aug. 31	FHWA Guidance: 4/5/06
3	402 Highway Safety Program Plan	12/22/99 guidelines	R for C	P	Annually by Sept. 1	Implemented thru NC-GHSP 23 CFR 460
4	Work Zone Safety Process review of effectiveness	23 CFR 630.1008	R & A	P	Annually by Sept. 30	FHWA/NCDOT windshield rev.
5	Project crash data	23 CFR 924.9	R	D	Continuous	NC Traffic Recrds Coord. Comm.
6	Seat belt law	23 CFR 1215.6	R for C	P	Annually (each fiscal year)	Through NC-GHSP
7	Drug offender DL suspension law & enforcement certification	23 USC 159, 23 CFR 192.5	Accept and forward copy to HQ	P	Annually by Jan 1	Through NC-GHSP
8	Zero tolerance law & enforcement certification	23 CFR 1210.5	Accept copy from NHTSA	P	Update as amended	Through NC-GHSP
9	High Speed Rail Passenger Corridor Grade Crossing Program funding request	TEA -21 Section 1103 ©	R for C	P	Annually by Aug. 31	Through NC Rail Div.
DCM	<b>Design, Construction, &amp; Maintenance</b>					
	<b>Non-Project Specific Activities</b>					
1	Design Exception Policy	23 CFR 625.3	R & A	D,P	As needed	
2	Contracting Procedures Consultant Selection	23 CFR 172.5	R & A	D,P	As updated	
3	Design Standards/ Standard Specifications	23 CFR 625	R & A	D,P	When changes occur	FHWA represented on implementation. This may be adequate to assess major changes.



Appendix - B  
North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NCDOT Action	Frequency	Reference Document/Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
4	Year-end Value Engineering Rpt	FAPG G 6011.9	R & send to HQ	D,P	Annually by Nov. 30	
5	Bid Opening/Tabulations	23 CFR 635.113	Periodically R for C (State takes action)	D,P	Per letting	
6	Interstate Maintenance certification	23 CFR 635.507	R & Accept	D,P	Annually by Sept. 30	
7	Utility Agreement Alternate Procedure	23 CFR 645.119	R and A	D,P	One time	
8	Utility Accommodation Policy	23 CFR 645.215	R & A	D,P	When changes occur	
9	Railroad Agreement Alternate Procedure	23 CFR 646.220	R & A	D,P	One time	
10	Defense Access Roads	23 CFR 660 Part E	R	D, P	As needed	
11	Concurrence in Award	23 CFR 635.114	A		As needed	
PM	<b>Pavement &amp; Materials</b>					
1	Pavement Design Policy	23 CFR 626.3	R	D,P	As needed	
B	<b>Bridge</b>					
1	NBIS Review Statewide report	23 CFR 650 Subpart C	R for C	N/A	Annually 12/31	
2	HBP Unit Cost submittal	23 CFR 650 Subpart D	R & A	D,P	Annually by April 1	
3	HBP discretionary candidate submittals	23 CFR 650 Subpart D	R & A		Annually by July 1	
4	Preliminary Bridge Survey Reports, Structure Recommendations and PS&E reviews (full oversight projects)	23 CFR 630, 23 USC 106, and W.O. 11/13/98 memo	R & A	D,P	Project by project	
5	Innovative Bridge Research and Deployment Program eligibility determination	23 USC 503(b)	R & A and submit to HQ	D,P	Annually (date varies)	
6	Construction inspections	FAPG G 6042.8	R for C		As needed	
7	Scour Report	Memo 2/5/1990	R & A, Submit to HQ	D, P	4/15 & 11/15	
FM	<b>Financial Management</b>					
1	Transfer of funds as requested by State	23 USC 104 (c) and 119 (f)	R & A	D,P	As needed	23 USC 126; 23 USC 104 (c and g); 23 USC 119 (b and c)
EP	<b>Emergency Preparedness</b>					
1	EM - Emergency Communications	Executive Order 12656 and FHWA Order 1910.2C	P		Continuously	



Appendix - B  
North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NCDOT Action	Frequency	Reference Document/Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
2	National Security Coordination	Executive Order 12656 and FHWA Order 1910.2C	Support HQ	C	As needed	
3	Emergency preparedness training	Executive Order 12656 and FHWA Order 1910.2C	P		As needed	
4	Capability to carry out emergency programs and plans	Executive Order 12656 and FHWA Order 1910.2C	R	D	Continuously	
5	Appoint two Division Emergency Coordinators	Executive Order 12656 and FHWA Order 1910.2C	P		As needed	
6	SHA capability to carry out emergency plans and programs	Executive Order 12656 and FHWA Order 1910.2C	R	D	Continuously	
7	Emergency Highway Traffic Regulation (EHTR) plans	EO 12656 dated 11/18/88. ("A Guide for Emergency Highway Traffic Regulation" (FHWA-SA-88-023))	R & A or Accept (send copy to HQ)	P	As needed	
MaP	<b>Major Projects</b>					
1	Project Finance Plan	23 U.S.C 106(h) 23 U.S.C 106(i)	R	D,P	Project by Project	
2	Project Management Plan	23 U.S.C. 106(h)	R (HQ) Concurrence)	D,P	Project by Project	
DB	<b>Design Build</b>					
1	Request for Qualifications	23 CFR 636	R	D,P	Project by Project	
2	Request for Proposals - Industry Draft Form	23 CFR 630 23 CFR 635.112(i)	A	D,P	Project by Project	
3	Concurrence in Award	23 CFR 635.114	A	D,P	Project by Project	Per Draft Design Build Procurement and FHWA Concurrence policy.
O	<b>Other</b>					
1	Privately operated information centers at rest areas (Leases or agreements)	FAPG 23 CFR 752	R & A		As needed	

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North Carolina Program Responsibility Matrix

#	Activity	Authority	FHWA Action	NCDOT Action	Frequency	Reference Document/ Remarks
R = Review, A = Approve, C = Compliance, D= Develop, P = Provide						
2	Education and Training of State and Local highway agency employees	23 USC 321 (b) and (c)	R & A		As requested	

## **Appendix C: North Carolina Project Responsibility**

Attach table.

Appendix C - North Carolina Project Responsibility

#	Activity	Authority	Approval			Reference Document/ Remarks
			NHS Projects (full oversight)	NHS Projects (State Assumed Authority)	Non-NHS Projects (State Assumed Authority)	
M	<b>Mobility/ITS</b>					
1	Traffic surveillance and control	23 CFR 655.411	FHWA	FHWA	NCDOT	
E	<b>Environment</b>					
1	Environmental document determination (all other projects)	23 CFR 771.113	FHWA	FHWA	FHWA	NCDOT prepares documentation and submits to FHWA for review and approval
2	Environmental Assessment	23 CFR 771.119	FHWA	FHWA	FHWA	NCDOT prepares documentation and submits to FHWA for review and approval
3	Finding of No Significant Impact (FONSI)	23 CFR 771.121	FHWA	FHWA	FHWA	NCDOT prepares documentation and submits to FHWA for review and approval
4	Draft Environmental Impact Statement (EIS)	23 CFR 771.123	FHWA	FHWA	FHWA	NCDOT prepares documentation and submits to FHWA for review and approval
5	Final EIS	23 CFR 771.125	FHWA	FHWA	FHWA	NCDOT prepares documentation and submits to FHWA for review and approval
6	Record of Decision (ROD)	23 CFR 771.127	FHWA	FHWA	FHWA	NCDOT prepares documentation and submits to FHWA for review and approval
7	EIS written re-evaluations	23 CFR 771.129	FHWA	FHWA	FHWA	NCDOT prepares documentation and submits to FHWA for review and approval
8	Supplemental EIS	23 CFR 771.129	FHWA	FHWA	FHWA	NCDOT prepares documentation and submits to FHWA for review and approval
9	Section 4(f) programmatic	23 CFR 771.135	FHWA	FHWA	FHWA	NCDOT prepares documentation and submits to FHWA for review and approval
10	Section 4(f) individual	23 CFR 771.135	FHWA	FHWA	FHWA	NCDOT prepares documentation and submits to FHWA for review and approval
11	Section 106 actions	23 CFR 800	FHWA	FHWA	FHWA	FHWA/ NCDOT Delegation agreement
12	Public involvement and interagency coordination	23 CFR 771.111	FHWA	FHWA	FHWA	
13	Certification of hearings	23 CFR 771.111	FHWA	FHWA	FHWA	NCDOT submits to FHWA prior to approval of FONSI and ROD
14	NEPA/404 Merger Agreement	NEPA & Clean Water Act Section 404	FHWA	FHWA	FHWA	Joint Interagency Agreement
15	Secton 6002 Compliance	23 USC §139	FHWA	FHWA	FHWA	
CR	<b>Civil Rights</b>					

Appendix C - North Carolina Project Responsibility

#	Activity	Authority	Approval			Reference Document/ Remarks
			NHS Projects (full oversight)	NHS Projects (State Assumed Authority)	Non-NHS Projects (State Assumed Authority)	
	1 EEO Contract Compliance review reports	23 CFR 230.409, 230.413	FHWA	FHWA	FHWA	
R/W	<b>Right-of Way</b>					
	1 Requests for waivers	49 CFR 24.204(b)	FHWA	FHWA	FHWA	
	2 Local Public Agency Oversight	23 CFR 710.201(h)	FHWA	NCDOT	NCDOT	
	3 Use of R/W Air Space authorization request (on Interstate system)	23 CFR 710.405	FHWA	FHWA	FHWA	
	4 Use of R/W Air Space authorization request (off Interstate system)	23 CFR 710.405		NCDOT	NCDOT	
	5 Access Break / R/W Disposal authorization request (if on Interstate system or fair market value not charged)	23 CFR 710.401 & 409	FHWA	FHWA	FHWA	
	6 Access Break / R/W Disposal authorization request (if <u>not</u> on Interstate system and fair market value charged)	23 CFR 710.409		NCDOT	NCDOT	
	7 Functional Replacement	23 CFR 710.509	FHWA	NCDOT	NCDOT	
R	<b>Research</b>					
	1 Experimental Project work plans	23 CFR 635.411 (a) (3)	FHWA	FHWA	FHWA	
	2 LTAP centers work plan and budget	FHWA LTAP Field Manual; HQ memo allocating funds	FHWA	FHWA	FHWA	
	3 RD&T work program	23 CFR 420.209	FHWA	FHWA	FHWA	
S	<b>Safety</b>					
	1 Hazard Elimination Projects	23 CFR 924.11	FHWA	NCDOT	NCDOT	Transportation Engineer oversight
	2 Highway/Rail Grade Crossing Improvement Projects	23 CFR 924.11	FHWA	NCDOT	NCDOT	Transportation Engineer oversight
DCM	<b>Design, Construction, &amp; Maintenance</b>					
	Full Oversight Projects (Note: For all other Federal-aid projects, NCDOT assumes responsibility for the following actions.)					
	1 Consultant Settlements	23 CFR 172.5	FHWA	NCDOT	NCDOT	
	2 Projects Near Airports	23 CFR 620.103	FHWA	NCDOT	NCDOT	
	3 Highway Facility Relinquishment	23 CFR 620.203	FHWA	FHWA	FHWA	
	4 Design Exception Request	23 CFR 625.3	FHWA	NCDOT	NCDOT	
	5 Plans, Specifications, & Estimates (PS&E)	23 CFR 630B, 23 CFR 633.102 23 USC 106	FHWA	NCDOT	NCDOT	
	6 Competitive Bidding	23 CFR 635.104, 23 USC 112	FHWA	FHWA	FHWA	



Appendix C - North Carolina Project Responsibility

#	Activity	Authority	Approval			Reference Document/ Remarks
			NHS Projects (full oversight)	NHS Projects (State Assumed Authority)	Non-NHS Projects (State Assumed Authority)	
7	Use of Public Owned Equipment	23 CFR 635.106	FHWA	NCDOT	NCDOT	
8	Changed Conditions	23 CFR 635.109	FHWA	NCDOT	NCDOT	
9	Concurrence in Award	23 CFR 635.114, 23 USC 112(d)	FHWA	NCDOT	NCDOT	
10	Changes and Extra Work	23 CFR 635.120	FHWA	NCDOT	NCDOT	
11	Claims	23 CFR 635.124	FHWA	NCDOT	NCDOT	
12	Public Agency Furnished Material	23 CFR 635.407	NCDOT	NCDOT	NCDOT	
13	Warranties	23 CFR 635.413	FHWA	FHWA	NCDOT	
14	Utility Agreement	23 CFR 645.113	FHWA	FHWA	FHWA	
15	Railroad Agreement	23 CFR 646.216	FHWA	FHWA	FHWA	
16	Project Agreements (oversight projects)	23 CFR 630 Subpart A	FHWA	NCDOT	NCDOT	
17	Convict Produced Material (all projects)	23 CFR 635.417	FHWA	NCDOT	NCDOT	
18	Authorization to Advertise	23 CFR 635.309	FHWA	NCDOT	NCDOT	
19	Project Authorizations	23 CFR 630.106	FHWA	NCDOT	NCDOT	
20	Advanced Construction	23 CFR 630.705	FHWA	NCDOT	NCDOT	
21	Payroll (all projects)	23 CFR 635.118	NCDOT	NCDOT	NCDOT	
22	Termination of Contract (all projects)	23 CFR 635.125	FHWA	FHWA	FHWA	
23	Buy America waiver (all projects)	23 CFR 635.410	FHWA	FHWA	FHWA	
24	Alternative Contracting Requests	Special Experiment Projects (SEP) - 14	FHWA	FHWA	FHWA	NCDOT Design-Build Policy
25	Alternative Contracting Requests	Special Experiment Projects (SEP) -15	FHWA	FHWA	FHWA	Federal Register: October 6, 2004 (Volume 69, Number 193)]
26	Proprietary products	23 CFR 635.411	FHWA	FHWA	NCDOT	
27	Construction Inspections		*NCDOT	NCDOT	NCDOT	*FHWA may select projects for conducting construction inspections during the annual NCDOT/FHWA risk meeting.
PM	<b>Pavement &amp; Materials</b>					
1	Materials Acceptance	FAPG 23 CFR 637B	FHWA	NCDOT	NCDOT	
B	<b>Bridge</b>					
1	Preliminary Bridge Survey Reports, Structure Recommendations and PS&E reviews (full oversight projects)	23 CFR 630, 23 USC 106, and W.O. 11/13/98 memo	FHWA	NCDOT	NCDOT	
2	Major or unusual Structures	11/13/98 Memo	FHWA	FHWA	NCDOT	
FM	<b>Financial Management</b>					
1	Project Agreements (Exempt Projects)	23 CFR 630 Subpart C	FHWA	FHWA	FHWA	
2	Fed-aid billing reimbursement of eligible expenditures	23 CFR 140 and 635.122	FHWA	FHWA	FHWA	
EP	<b>Emergency Preparedness</b>					

Appendix C - North Carolina Project Responsibility

#	Activity	Authority	Approval			Reference Document/ Remarks
			NHS Projects (full oversight)	NHS Projects (State Assumed Authority)	Non-NHS Projects (State Assumed Authority)	
	1 Emergency Relief (ER) damage assessments & reports	23 CFR 668. 105, 23 USC 120 and 125				
			FHWA	FHWA	FHWA	NCDOT documents all ER work.
0	<u>Other</u>					
	1 Privately operated information centers at rest areas (Leases or agreements)	FAPG 23 CFR 752				
			FHWA	FHWA	FHWA	

## **Appendix D: Performance Indicators**

Number of highway fatalities

Lane departure fatalities

Intersection fatalities

Pedestrian fatalities

Speed related fatalities

Deficient Bridges

IRI

% of STIP delivered

Percent change in total project cost: award to completion

Cost escalation from planning to final acceptance

Number of EISs active

Size of program

Inactive projects

FIRE Reviews

%DBE Participation

Number of active projects subject to full oversight

Number of active major projects

Number of process reviews